

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES TO: WAVE 1 CASES ON ATTACHED EXHIBIT A	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**PLAINTIFFS' *DAUBERT* MOTION TO PRECLUDE OR, IN THE ALTERNATIVE,
TO LIMIT THE OPINIONS AND TESTIMONY OF ELIZABETH KAVALER, M.D.**

COMES NOW Plaintiffs in actions listed on attached Exhibit A, by and through the undersigned attorneys, and files this Plaintiffs' *Daubert* Motion to Exclude or, In The Alternative, To Limit The Opinions And Testimony Of Elizabeth Kavaler, M.D. and would respectfully show the Court that Dr. Kavaler should be excluded for the following reasons:

1. Dr. Kavaler is not qualified to offer general opinions on the design or warnings for the Prolift, TVT, or TVT-O mesh devices, based on Dr. Kavaler's admission that her opinions are offered without reference to any objective, verifiable standards, and are limited to what is adequate for her, in her own practice. Dr. Kavaler is completely unfamiliar with any objective standards, from Ethicon or elsewhere, and failed to apply any such standards to her opinions. Finally, Dr. Kavaler has no knowledge of any internal Ethicon standards, internal documents, or testimony, so her testimony would be disconnected from much of the evidence to be considered by the jury.
2. In support of this motion, Plaintiff has submitted a memorandum of law and also relies upon the following attached exhibits:

1. A true copy of excerpts from the Deposition of Dr. Elizabeth Kavaler dated December 4, 2012 is attached hereto as Exhibit B.

2. A true copy of excerpts from the Deposition of Dr. Elizabeth Kavaler dated April 8, 2014, is attached hereto as Exhibit C.

3. A true copy of excerpts from the Deposition of Dr. Elizabeth Kavaler dated October 14, 2014, is attached hereto as Exhibit D.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that the Court grant their *Daubert* Motion to Exclude or, In The Alternative, To Limit The Opinions And Testimony Of Elizabeth Kavaler, M.D. Additionally, Plaintiffs request all other and further relief to which they may be justly entitled.

Dated: April 21, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing document on April 21, 2016, using the Court's CM-ECF filing system, thereby sending notice of the filing to all counsel of record in this matter.

/s/ Bryan F. Aylstock _____

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